IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

TUESDAY, THE 19TH DECEMBER 2006 / 28TH AGRAHAYANA 1928

WP(C).No. 33814 of 2006(A)

PETITIONER:

ANTONY P.M.,
DRAWING TEACHER, ST.THOMAS HIGH SCHOOL,
VECHOOCHIRA, PATHANAMTHITTA.

BY ADV. SRI.VIJU ABRAHAM

RESPONDENTS:

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1. DEPUTY DIRECTOR OF EDUCATION,
PATHANAMTHITTA.

2. DISTRICT EDUCATIONAL OFFICER,
PATHANAMTHITTA.

3. ACCOUNTANT GENERAL,
KERALA,
OFFICE OF THE ACCOUNTANT GENERAL,
THIRUVANANTHAPURAM.

4. HEADMASTER,
ST.THOMAS HIGH SCHOOL,
VECHOOCHIRA, PATHANAMTHITTA DISTRICT.

BY GOVT. PLEADER SRI. G. SURARSAN.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 19/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.M.JOSEPH, J.

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WP.(C) No.33814 OF 2006

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Dated this the 19th day of December, 2006

JUDGMENT

I heard learned counsel for the petitioner and the learned Government Pleader.

2. Petitioner challenges Ext.P10. Petitioner had approached this court earlier claiming weightage for part time service. By Ext.P8 judgment this court had disposed of the writ petition by directing the first respondent herein to consider and take a decision on Ext.P7 in accordance with law after hearing the petitioner. Ext.P9 is stated to be the acknowledgment of the receipt of the judgment by the Deputy Director. It is produced to show that it was received by the Deputy Director only on 28.11.2006. Ext.P10 is dated 29.11.2006. It is the case of the petitioner that contrary to the direction in the judgment, which is dated 15.11.2006, the matter has been decided by Ext.P10 without hearing the petitioner.

3. Heard learned Government Pleader also. Having regard to the dates, it appears that the petitioner was not heard. In the

circumstances, Ext.P10 cannot be sustained for the only reason that the petitioner was not heard.

Accordingly, Ext.P10 is quashed and a fresh decision in accordance with law will be taken by the first respondent after hearing the petitioner within a period of two months from the date of receipt of a copy of this judgment.

(K.M. JOSEPH, JUDGE)

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K.M.JOSEPH, JJ.

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W.A. No. OF

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JUDGMENT

Dated this the day of February, 2006.